

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Merck & Co., Inc.'s motion to stay proceedings pending transfer of the case by the Judicial Panel on Multidistrict Litigation (JPML). Defendant Pfizer, Inc., has joined in the motion. The case involves the prescription drug VIOXX, manufactured by Merck & Co. On February 16, 2005, the JPML in In re VIOXX Products Liability Litigation, Doc. No. 1657, transferred over 100 VIOXX cases to the United States District Court for the Eastern District of Louisiana for pretrial proceedings. The Panel noted that nearly 300 potentially related cases were pending in multiple district courts and would be treated as potential tag-along cases. The Panel also noted that the pendency of a motion to remand was not a sufficient basis to avoid transfer and that the transferee court could decide remand motions.

Since then, several courts in this district have granted motions to stay similar to the motion filed in this case. See, e.g., O'Gorman v. Merck & Co., No. 4:05CV153 DDN (E.D. Mo. Oct. 13, 2005) (order granting stay); McBride v. Merck & Co., No. 4:05CV878 ERW (E.D. Mo. Oct. 13, 2005) (order granting stay).

Accordingly,

IT IS HEREBY ORDERED that the motion to stay pending transfer by the Judicial Panel on Multidistrict Litigation filed by Defendant Merck & Co., Inc. [Doc. #10], and joined in by Defendant Pfizer, Inc. [Doc. #20] is **GRANTED**.

Dated this 1st day of November, 2005.

Audrey G. Fleissig
AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE